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SUPERIOR COURT
OF GUAM



IN THE SUPERIOR COURT OF GUAM

PEOPLE OF GUAM,	)	CRIMINAL CASE NO. CF0887-25
	)	
vs.	)	
	)	
RAYMOND AGUON SANCHEZ	)	DECISION AND ORDER
DOB: 12/01/1966	)	FINDING MINOR CHILD WITNESSES
	)	ARE COMPETENT TO TESTIFY
Defendant.	)	AT TRIAL
	)	

This matter came before the Honorable Maria T. Cenzone on June 3, 2026, for a Competency Hearing to determine whether the two Minor Witnesses (the alleged Victims) are competent to testify in the trial against Defendant Raymond Aguon Sanchez ("Defendant"). Present at the hearing were defense counsel Terry Timblin and Assistant Attorney General Christine Tenorio and Office of the Attorney General Investigator Henry James for the People of Guam ("the People"). Defendant was not present at the hearing. Following the competency proceeding, the Court ruled from the bench that S.A. and J.A. are competent witnesses. This Decision and Order is issued to memorialize the Court's ruling.

PROCEDURAL AND FACTUAL BACKGROUND

This case involves the proposed testimony of two minor witnesses, S.A. and J.A., who are presently 9 years old and 10 years old, respectively, as the named victims in four counts of the charges against the Defendant. The Defendant is charged with Second Degree Criminal Sexual Conduct (As a First-Degree Felony) and Attempted Second Degree Criminal Sexual Conduct (As

1 a First-Degree Felony). The Court held this Competency Hearing to determine whether either
2 witness is competent to testify at trial. Defendant was not present at the hearing, and defense
3 counsel did not object to Defendant's absence.¹ Both the prosecution and defense counsels had
4 an opportunity to examine and cross-examine both minor witnesses.

5 At the hearing, the Court first questioned S.A.² The Court asked questions geared towards
6 understanding the child's mental state, not substantive questions about the case. For instance, the
7 court asked S.A. about her name, age, school, family, birthday, and friends. After general
8 questioning, the Court then asked questions to gauge if S.A. understood the difference between a
9 truth and a lie and the consequences of telling a lie. The Court asked S.A. what would happen if
10 she told a lie to her parents, to which S.A. responded that she would get in trouble.³ In her answers,
11 S.A. expressed hesitation but showed consistent understanding of truths versus lies, an ability to
12 recall past events, and comprehension of consequences of lies. After she indicated that she
13 understood the difference between a truth and a lie, the clerk administered the oath to S.A. and
14 S.A. was observed to have understood the oath and the reason behind it.⁴ The People continued
15 this questioning by providing examples of a lie, and S.A. correctly identified the lie. The Defense
16 cross examined by asking S.A. what a lie is, and S.A. answered that a lie is bad.
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23 ¹ Defendant does not have a constitutional right to be present during a hearing to determine the competency of a minor
24 victim to testify at the trial of the defendant. Under Guam law, a defendant charged with criminal sexual conduct does
25 not have an absolute constitutional right to be personally present at a voir dire hearing to determine the competency
26 of a minor victim to testify — the court may exclude the defendant from such proceedings while defense counsel
27 retains the right to be present, satisfying the defendant's constitutional interests. See, *People v. Morales*, 2022 Guam
28 1; 6 G.C.A. § 804.1. See also, *Kentucky v. Stincer*, 482 U.S. 730, 740-743, 107 S.Ct. 2658, 2664-2667 (1987).

² See *Minutes of Competency Hearing Re: Minor* at 2:08:13 PM to 3:18:18 PM (Jun. 3, 2026).

³ *Id.* at 2:37:56 P.M.

⁴ *Id.* at 2:41:13 P.M.

1 The Court next questioned J.A. next and asked similar introductory questions. J.A. was
2 also sworn by the clerk to tell the truth by administering the oath.⁵ J.A. displayed less hesitation
3 and nervousness in her answers than S.A. When given examples of truths and lies, J.A. correctly
4 recognized the differences. J.A. also demonstrated an understanding that lies are bad. The People
5 did not examine J.A.; however, Defense Counsel asked J.A. if she had ever told a lie, to which
6 she answered “Yes.”⁶ As noted, both the People and the Defense Counsel each had an opportunity
7 to examine and cross-examine S.A. and J.A. during the hearing. See, *Minutes* at 2:43:16 PM to
8 3:10:35 PM.
9

10 Once both witnesses were dismissed, the Court ruled from the bench that both S.A. and
11 J.A. were competent to testify.⁷ The Court explained that through their testimony, S.A. and J.A.
12 both conveyed an understanding of what a truth and a lie is, what it means to tell a lie, and what
13 consequences can occur when telling a lie. Even with slight hesitation in answers from S.A., the
14 Court attributed the pauses to nervousness and not a reflection of her understanding.
15

16 DISCUSSION

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18 Guam law leaves the competency of witnesses, including child witnesses, in the discretion
19 of the trial court, and assumes “[e]very person is competent to be a witness except as otherwise
20 provided in [the Guam Rules of Evidence] or by the laws of Guam.” *Guam R. Evid.* (“GRE”) 601,
21 104(a). The Guam Supreme Court briefly examined two approaches to child witness competency
22 but did not expressly adopt either. *People v. Morales*, 2022 Guam 1 ¶ 10. The first approach is a
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24

25 ⁵ *Id.* at 3:07:56 P.M.

26 ⁶ *Id.* at 3:09:16 PM to 3:10:35 P.M.

27 ⁷ *Id.* at 3:20:57 PM to 3:13:43 PM.

1 two-part test that requires the witness “understand the obligations of taking an oath and be capable
2 of correctly narrating the facts to which his or her testimony is berated. *Id.* ¶ 25 (citing *State v.*
3 *Cermak*, 350 N.W.2d 328, 331-32 (Minn. 1984)). The second approach focuses on whether the
4 child understands the difference between telling the truth and telling a lie, and that they can be
5 punished for lying. *Id.* ¶ 25 (citing *Oldham v. State*, 467 N.E.2d 419, 422 (Ind. Ct. App. 1984)).
6 The Guam Supreme Court did not expressly adopt either approach but considered both
7 approaches in reaching a decision.
8

9 Here, the Court modeled questioning after the trial court in *Morales*. When S.A. and J.A.
10 were asked to differentiate between a truth and a lie, both displayed an understanding of the
11 concepts. Both children were able to answer questions asked of them by both the prosecution and
12 defense attorneys. During their testimonies, they exhibited knowledge of the consequences for
13 telling a lie and identified lies as bad. The Court finds that, applying the *Morales* analysis, the
14 children are competent to testify in the trial of this matter.
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16 CONCLUSION

17 For the reasons set forth above, the Court hereby finds that Witnesses S.A. and J.A. are
18 competent to testify at trial.
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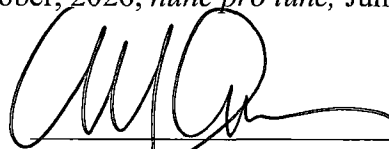
20 SO ORDERED this 7TH day of October, 2026, *nunc pro tunc*, June 3, 2026.

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22 **SERVICE VIA EMAIL**
23 I acknowledge that an electronic
24 copy of the original was e-mailed to:

25 OAG & Timblin

26 Date: 10/7/26 Time: 10:46

27 Remita M. Lindlan
28 Deputy Clerk, Superior Court of Guam



HONORABLE MARIA T. CENZON
Judge, Superior Court of Guam